

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

JOEL ARTHUR HULKE
(CRD No. 2333013),

Respondent.

Disciplinary Proceeding
No. 20090182956

Hearing Officer – MAD

DEFAULT DECISION

August 30, 2011

Respondent is barred from associating with any member firm in any capacity for failing to (1) respond to requests for information issued by FINRA staff and (2) appear for an on-the-record interview as requested by FINRA staff, in violation of FINRA Procedural Rule 8210 and FINRA Conduct Rule 2010. Respondent also violated NASD Conduct Rules 3030 and 2110, and FINRA Conduct Rule 2010, by engaging in outside business activities without providing his firm written notice of his activities. However, in light of the bar, no additional sanctions are imposed for this violation.

Appearances

Chun Li, Principal Counsel, New York, NY, for the Department of Enforcement.

No appearance by or on behalf of Joel Arthur Hulke.

DECISION

I. Introduction

On March 23, 2011, the Department of Enforcement ("Enforcement") filed the attached Complaint in this disciplinary proceeding against Respondent Joel Arthur Hulke ("Hulke"). The Complaint charges that Hulke: (1) engaged in outside business activities without first providing his employer, FINRA member firm Financial Network Investment Corporation (the "Firm"), with written notice of his activities, in violation of NASD Conduct Rules 3030 and 2110, and

FINRA Conduct Rule 2010; and (2) failed to respond to FINRA staff's request for information and failed to appear for on-the-record testimony as requested by FINRA staff, in violation of FINRA Procedural Rule 8210 and FINRA Conduct Rule 2010.¹

Hulke did not answer or otherwise respond to the Complaint. Consequently, on June 22, 2011, Enforcement filed a Motion for Entry of Default Decision and Request for Sanctions ("Default Motion"), supported by the Declaration of Chun Li, Esq. ("Li Decl.") and 15 exhibits. Respondent did not file a response to the Default Motion.²

II. Findings of Fact and Conclusions of Law

A. Jurisdiction

Hulke was first employed in the securities industry in 1994.³ From September 17, 2007 until May 19, 2009, he was registered as a General Securities Representative through the Firm while he was also employed with United Prairie Bank ("Bank").⁴ The Firm and the Bank maintained a contract whereby the Firm provided investment products and financial services to customers of the Bank.⁵ On June 16, 2009, the Firm filed a Uniform Termination Notice for Securities Industry Registration ("Form U5") on Hulke's behalf with FINRA.⁶ The Form U5 reported that Hulke was terminated "due to violations of firm policies related to delivery of annuity policies, prompt submission of client stock certificates to the firm's clearing broker and

¹ The FINRA Rules, which include NASD Procedural and Conduct Rules, are available at www.finra.org/Rules. On December 15, 2008, the first phase of new consolidated FINRA Rules went into effect. See, Regulatory Notice 08-57. In the rule consolidation, NASD Rule 2110 was renumbered to FINRA Rule 2010. The findings in this Default Decision refer to the rules that were in effect at the time of the violations.

² The factual determinations in this decision are based on the allegations of the attached Complaint, which are deemed admitted, as well as additional materials filed by Enforcement.

³ Li Decl. ¶ 4; CX-1.

⁴ Li Decl. ¶ 4; CX-1.

⁵ Li Decl. ¶ 12, n.1.

⁶ *Id.* ¶ 5; CX-1.

accepting blank signed customer annuity applications.”⁷ From June 16 to July 20, 2009, Hulke was registered as a General Securities Representative through another FINRA member firm.⁸

Although Hulke has not been registered with FINRA since July 20, 2009, he remains subject to FINRA’s jurisdiction for purposes of this proceeding, pursuant to Article V, Section 4 of FINRA’s By-Laws, because (1) the Complaint was filed within two years following the termination of his last registration with a FINRA member, and (2) the Complaint charges him with misconduct committed while he was associated with a FINRA member firm and with failing to respond to FINRA requests for information and testimony made during the two-year period following the termination of his registration.⁹

B. Respondent’s Default

Enforcement served Hulke with the Notice of Complaint and Complaint on March 23, 2011, by first-class and certified mail, return receipt requested, to his residential address recorded in the Central Registration Depository (the “CRD Address”).¹⁰ Enforcement also sent the Notice of Complaint and Complaint to another address (the “Alternate Address”), which it obtained through a LEXIS search.¹¹ The certified and first-class mailings sent to the CRD Address were returned by the U.S. Postal Service, stamped “not deliverable as addressed, unable to forward.”¹² The certified mailing sent to the Alternate Address was returned by the U.S. Postal Service, marked “Unclaimed.”¹³ The U.S. Postal Service did not return the first-class mailing sent to the

⁷ Li Decl. ¶ 5; CX-1, at 2.

⁸ Li Decl. ¶ 4; CX-2, at 5.

⁹ Article V, Sec. 4(a), FINRA By-Laws, *available at* www.finra.org/rules (then follow “FINRA Manual” hyperlink to “Corporate Organization: By-Laws”).

¹⁰ Li Decl. ¶ 31; CX-9-10.

¹¹ Li Decl. ¶ 20.

¹² Li Decl. ¶ 34; CX-12.

¹³ Li Decl. ¶ 32; CX-11.

Alternate Address.¹⁴ The Notice of Complaint stated that Hulke was required to answer the Complaint by April 20, 2011.¹⁵ Hulke failed to file an Answer to the First Notice of Complaint.¹⁶

On April 25, 2011, Enforcement served the Second Notice of Complaint and Complaint on Hulke in the same manner as it had served the Notice of Complaint.¹⁷ Again, Enforcement sent additional copies of the Second Notice of Complaint and Complaint to the Alternate Address.¹⁸ The certified and first-class mailings were returned to FINRA by the U.S. Postal Service, marked "not deliverable as addressed, unable to forward."¹⁹ The U.S. Postal Service returned the certified receipt for the mailing sent to the Alternate Address, signed by "Jane Grafstrom."²⁰ The U.S. Postal Service did not return the first-class mailing sent to the Alternate Address.²¹ The Second Notice of Complaint stated that Hulke was required to answer the Complaint by May 12, 2011.²² To date, Hulke has not filed an answer or otherwise responded to the Complaint.²³

The Hearing Officer finds that Enforcement properly served Hulke with the Complaint by mailing the Complaint and the First and Second Notices of Complaint in accordance with Procedural Rule 9134(b)(1), thereby giving him constructive notice of this disciplinary

¹⁴ Li Decl. ¶ 33.

¹⁵ *Id.* ¶ 35.

¹⁶ *Id.*

¹⁷ *Id.* ¶ 36; CX-9, 10, and 13.

¹⁸ Li Decl. ¶ 36; CX-9, 10, and 13.

¹⁹ Li Decl. ¶ 37; CX-14.

²⁰ Li Decl. ¶ 38; CX-15.

²¹ Li Decl. ¶ 39.

²² *Id.* ¶ 40.

²³ *Id.*

proceeding. Hulke defaulted by failing to answer the Complaint.²⁴ Accordingly, pursuant to Procedural Rules 9215(f) and 9269(a)(2), the Hearing Officer deems the allegations in the attached Complaint admitted and grants Enforcement's Default Motion.

C. Origin of the Underlying Investigation

FINRA's investigation of Hulke stemmed from a referral from its Central Review Group. FINRA staff investigated Hulke's conduct between September 2007 and February 2009 to determine if he had violated NASD or FINRA rules. As a result of the investigation, Enforcement filed the Complaint in this proceeding.²⁵

D. Unreported Outside Business Activities

The First Cause of Action alleges that Hulke engaged in outside business activities relating to the insurance business without notifying the Firm, in violation of NASD Conduct Rules 3030 and 2110, and FINRA Conduct Rule 2010. From September 17, 2007 through February 2009, Hulke was associated with an insurance company.²⁶ He failed to notify the Firm of this relationship or submit the required outside business activity disclosure form.²⁷ The Firm uncovered Hulke's association with the insurance company when it investigated Hulke's reversal of a customer's purchase of a fixed annuity, entered through the Firm on December 30, 2008.²⁸ The Firm discovered that Hulke was associated with the insurance company and had executed the same fixed annuity transaction, for the same customer, through the insurance company.²⁹

²⁴ *Dep't of Enforcement v. Verdiner*, No. CAF020004, 2003 NASD Discip. LEXIS 42, at *5 (N.A.C. Dec. 9, 2003) (NASD Procedural Rule 9134(b)(1) allows for constructive notice by mailing a complaint to the respondent's most recent CRD address) (quoting *Lubeck v. SEC*, 1998 U.S. App. LEXIS 18849, at *20 (9th Cir. Aug. 12, 1998)).

²⁵ Li Decl. ¶ 7.

²⁶ *Id.* ¶ 10.

²⁷ *Id.*

²⁸ *Id.* ¶ 11.

²⁹ *Id.*

Hulke received a 4.9% commission for the purchase of the fixed annuity executed through the insurance company.³⁰ The Firm also discovered several other instances where Hulke sold annuity and life insurance policies to customers that resulted in additional commission payments to him outside of his Firm.³¹

NASD Conduct Rule 3030 provides that no person registered with a member "shall be employed by, or accept compensation from, any other person as a result of any business activity ... outside the scope of his relationship with his employer firm, unless he has provided prompt written notice to the member ... in the form required by the member." The purpose of Conduct Rule 3030 is to provide member firms with an opportunity to raise any objections to such activities at a meaningful time and to exercise appropriate supervision as necessary under applicable law.³² Conduct Rule 3030 requires disclosure of all outside business activity, not just securities-related activity.³³

The Hearing Officer finds that the allegations in the First Cause of Action are sufficient to establish that Hulke violated NASD Conduct Rules 3030 and 2110, and FINRA Conduct Rule 2010, by failing to provide the Firm with written notice of his outside business activities.

³⁰ *Id.* ¶ 12.

³¹ *Id.* Hulke agreed to reimburse the Bank for commissions on fixed insurance products executed away from the Bank and the Firm. *Id.*

³² *Proposed Rule Change by NASD Relating to Outside Business Activities of Associated Persons*, Exchange Act Release No. 26063, 1988 SEC LEXIS 1841 (Sept. 6, 1988), adopted at Exchange Act Release No. 26178, 1988 SEC LEXIS 2032 (Oct. 13, 1988).

³³ *Dep't of Enforcement v. Schneider*, No. C10030088, 2005 NASD Discip. LEXIS 6, at *13-14 (N.A.C. Dec. 7, 2005) (citing *District Bus. Conduct Comm. v. Czaz*, No. C8A930048, 1997 NASD Discip. LEXIS 62, at *96 (N.B.C.C. Oct. 31, 1997)).

E. Failure Respond to FINRA Rule 8210 Requests

The Second Cause of the Complaint alleges that Hulke failed to respond to two requests for information and a request that he appear for on-the-record testimony, which requests FINRA staff sent in connection with their investigation.

1. Requests for Information

On July 7, 2009, FINRA staff sent a Rule 8210 request letter to Hulke, seeking information regarding his termination from the Firm.³⁴ Hulke responded to this request on July 17, 2009.³⁵

In furtherance of its investigation, Enforcement sent Hulke another Rule 8210 request letter, dated March 23, 2010, to Hulke's CRD Address.³⁶ The letter, sent by certified and first-class mail, sought a signed, written statement addressing the details of Hulke's employment termination.³⁷ The due date for his response was April 6, 2010.³⁸ The U.S. Postal Service returned the certified letter to Enforcement with the notation "Return to sender. Unable to forward."³⁹ The letter sent by first-class mail was not returned to Enforcement.⁴⁰ Hulke did not respond to Enforcement's March 23, 2010, Rule 8210 request.⁴¹

On April 21, 2010, pursuant to Rule 8210, Enforcement sent another request letter to Hulke at his CRD and Alternate Addresses.⁴² The letters, sent by first-class mail and Federal

³⁴ Li Decl. ¶ 16.

³⁵ *Id.*

³⁶ *Id.* ¶ 17.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.* ¶ 18.

⁴⁰ *Id.*

⁴¹ *Id.* ¶ 19.

⁴² *Id.* ¶ 20.

Express, sought the same information previously requested in the March 23, 2010, letter.⁴³ The due date for Hulke's response was April 30, 2010.⁴⁴ The Federal Express letter sent to Hulke's CRD Address was delivered on April 22, 2010, and signed by "M. Sheffler."⁴⁵ The U.S. Postal Service did not return the first-class letter sent to the CRD Address.⁴⁶ The Federal Express letter sent to the Alternate Address was returned to Enforcement marked undeliverable.⁴⁷ The U.S. Postal Service did not return the letter sent by first-class mail to the Alternate Address.⁴⁸ Hulke did not respond to Enforcement's April 21, 2010, Rule 8210 request.⁴⁹

On May 25 and 26, 2010, Enforcement left voicemails for Hulke concerning the outstanding requests.⁵⁰ On May 26, 2010, Hulke left a voice message for Enforcement stating that he received the staff's voicemails and he would "touch base" a little later.⁵¹ Hulke further indicated that he did not have any records other than what he had previously provided to FINRA, but that he would be happy to give any additional information that may be required.⁵²

On May 28 and June 3, 2010, Enforcement left two more voicemails for Hulke, requesting that he call back regarding the open matter.⁵³ Hulke did not respond to the voicemails and did not provide any response to the Rule 8210 requests issued by Enforcement.⁵⁴

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.* ¶ 21.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.* ¶ 22.

⁵⁰ *Id.* ¶ 23.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.* ¶ 24.

⁵⁴ *Id.*

2. On-the-Record Interview

On January 4, 2011, pursuant to Rule 8210, Enforcement sent letters by first-class and certified mail to Hulke's CRD and Alternate Addresses, requesting that he appear for testimony on January 18, 2011.⁵⁵ On January 13, 2011, the U.S. Postal Service returned both the certified and first-class letters sent to the CRD Address and provided a forwarding address.⁵⁶ The forwarding address was the Alternate Address that Enforcement used when sending its April 21, 2010, and January 4, 2011, Rule 8210 requests.⁵⁷ The receipt for the certified mailing to the Alternate Address was returned to Enforcement, signed by "Jane Grafstrom."⁵⁸ The U.S. Postal Service did not return the first-class letter sent to the Alternate Address.⁵⁹

Hulke neither appeared for his scheduled testimony on January 18, 2011, nor requested an adjournment.⁶⁰

3. Legal Standard

FINRA Procedural Rule 8210 authorizes FINRA to require any person subject to its jurisdiction to provide information and testimony related to any matter under investigation. The Rule serves as a key element in FINRA's oversight function and allows FINRA to carry out its regulatory

⁵⁵ *Id.* ¶ 25.

⁵⁶ *Id.* ¶ 26.

⁵⁷ *Id.*

⁵⁸ *Id.* ¶ 27.

⁵⁹ *Id.*

⁶⁰ *Id.* ¶ 28.

functions without subpoena power.⁶¹

The Hearing Officer finds that the allegations in the Second Cause of Action are sufficient to establish that Hulke violated FINRA Procedural Rule 8210 and FINRA Conduct Rule 2010.

III. Sanctions

A. Unreported Outside Business Activities

The Sanction Guidelines ("Guidelines") governing outside business activities recommend a fine of \$2,500 to \$50,000, and a suspension of up to 30 business days where there are no aggravating circumstances.⁶² Where the outside business activities involve aggravating circumstances, the Guidelines recommend consideration of a suspension of up to one year. In egregious cases involving substantial activity or significant injury, the Guidelines recommend consideration of a longer suspension or a bar.⁶³

Under the facts of this case, the relevant principal considerations in determining sanctions for engaging in outside business activities in violation of Conduct Rule 3030 include: (i) whether the outside activity included customers of the firm; (ii) whether the outside activity resulted directly or indirectly in injury to the customers of the firm; (iii) the duration of the outside activity; and (iv) whether the respondent misled his or her employer member firm about the existence of the outside activity or otherwise concealed the activity from the firm.⁶⁴ Hulke

⁶¹ See, e.g., *Dep't of Enforcement v. Valentino*, No. FPI010004, 2003 NASD Discip. LEXIS 15, at *12 (N.A.C. May 21, 2003), *aff'd*, 2004 SEC LEXIS 330 (Feb. 13, 2004) ("It is well established that because NASD lacks subpoena power over its members, a failure to provide information fully and promptly undermines NASD's ability to carry out its regulatory mandate.") (citation omitted); *Joseph G. Chiulli*, Exchange Act Release No. 42359, 2000 SEC LEXIS 112, at *16 (Jan. 28, 2000) (noting that Rule 8210 provides a means for the NASD effectively to conduct its investigations, and emphasizing that NASD members and associated persons must fully cooperate with requests for information).

⁶² *FINRA Sanction Guidelines* 13 (2011), available at www.finra.org/sanctionguidelines.

⁶³ *Id.*

⁶⁴ *Id.*

executed several transactions away from his Firm during the September 2007 through February 2009 review period.⁶⁵ The transactions away from the Firm included customers of the Firm and were only discovered by the Firm's investigation of a reversal of a customer's purchase of an annuity.⁶⁶ No customers were injured as a result of Hulke's misconduct;⁶⁷ and, upon Hulke's termination from the Bank, he agreed to reimburse the Bank for commissions on insurance products executed away from the Bank and the Firm.⁶⁸

After consideration of these factors, the Hearing Officer concludes that the appropriate sanction for Hulke's violation of Conduct Rules 3030 and 2110 would be a suspension from associating with any FINRA member in all capacities for nine months and a \$25,000 fine.⁶⁹ However, in light of the bar imposed for the violations identified below, a sanction is not imposed for this violation.

B. Failure Respond to FINRA Rule 8210 Requests

The Guidelines recommend a bar where a respondent fails to respond in any manner to a request for information issued pursuant to Procedural Rule 8210.⁷⁰ Here, there is no evidence of any mitigating factors that would justify a lesser sanction. Hulke's voicemail to Enforcement indicates that he was aware of FINRA's investigation; yet, he failed to respond to two requests for information and failed to appear to answer FINRA staff's questions. Accordingly, the

⁶⁵ Li Decl. ¶ 12.

⁶⁶ *Id.* ¶ 11.

⁶⁷ *Id.* ¶ 7.

⁶⁸ *Id.* ¶ 12.

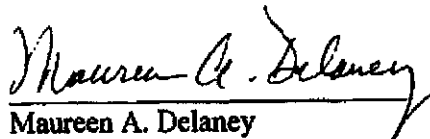
⁶⁹ *Cf. Dep't of Enforcement v Houston*, No. 2006005318801, 2008 FINRA Discip. LEXIS 60 (O.H.O. Dec. 17, 2008) (imposing a one-year suspension and a \$50,000 fine against respondent who engaged in outside business activity for acting as a trustee after receiving notice from the firm not to engage in such activities).

⁷⁰ *Guidelines* at 33.

Hearing Officer will bar Hulke from associating with any FINRA member firm in any capacity for violating FINRA Procedural Rule 8210 and FINRA Conduct Rule 2010.

IV. Order

Hulke is barred from associating with any FINRA member firm in any capacity for failing to respond in any manner to FINRA staff's requests for information and on-the-record testimony, in violation of FINRA Procedural Rule 8210 and FINRA Conduct Rule 2010. The bar shall become effective immediately if this Default Decision becomes the final disciplinary action of FINRA. In light of the bar, additional sanctions are not imposed for engaging in outside business activities in violation of NASD Conduct Rules 3030 and 2110, and FINRA Conduct Rule 2010.


Maureen A. Delaney
Hearing Officer

Copies to:
Joel A. Hulke (*via first-class and overnight mail*)
Chun Li, Esq. (*via first-class and electronic mail*)
David R. Sonnenberg, Esq. (*via electronic mail*)

FINANCIAL INDUSTRY REGULATORY AUTHORITY

OFFICE OF HEARING OFFICERS

Department of Enforcement,

Complainant,

v.

**Joel Arthur Hulke
(CRD No. 2333013),**

Respondent.

**DISCIPLINARY PROCEEDING
No. 20090182956**

COMPLAINT

The Department of Enforcement alleges:

SUMMARY

1. Respondent on or about September 17, 2007 through February 2009 engaged in an unauthorized outside business activity without providing written notice to his member employer in violation of NASD Rules 3030 and 2110, and FINRA Rule 2010.
2. Respondent failed to provide a written statement in response to an Enforcement Rule 8210 request, and failed to appear for on-the-record testimony ("OTR"), in violation of FINRA Rules 8210 and 2010.

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RESPONDENT AND JURISDICTION

3. Respondent has been registered as a General Securities Representative since approximately 2000 and was associated with various FINRA regulated broker-dealers through 2009. He was registered with Financial Network Investment Corporation (the "Firm"), a FINRA regulated broker-dealer, from approximately September 17, 2007 through May 19, 2009, at which time his employment with the Firm was terminated. During his affiliation with the Firm, Respondent was dually employed at a bank in Minnesota.
4. From June 16, 2009 to July 20, 2009, Respondent was registered as a General Securities Representative with Woodbury Financial Services, Inc, a FINRA regulated broker-dealer.
5. Respondent has not been registered with a FINRA regulated firm since his employment termination from Woodbury Financial Services, Inc. FINRA retains jurisdiction over Respondent pursuant to Article V, Section 4, of the FINRA By-Laws because FINRA filed a complaint within two years of Respondent's employment termination.

FIRST CAUSE OF ACTION Outside Business Activity

(NASD Rules 3030 and 2110, FINRA Rule 2010)

6. The Department realleges and incorporates by reference paragraphs 1-5 above.
7. While registered with the Firm, Respondent conducted an outside business activity without providing prompt written notice to the Firm.

8. From on or about September 17, 2007 through February 2009, Hulke was engaged in the insurance business through his association with an insurance company, but failed to notify the Firm of this relationship or submit the required outside business activity disclosure form.
9. As part of his outside insurance business, Hulke sold approximately 50 fixed annuity policies and 19 life insurance policies.
10. A portion of the commission checks issued by the insurance carrier and relating to the sale of these policies, totaling at least \$446.40, were made payable to "Joel Hulke" and delivered to his home address.
11. By virtue of the above, Respondent failed to observe high standards of commercial honor and just and equitable principles of trade and accordingly violated NASD Rules 3030 and 2110 and FINRA Rule 2010.

**SECOND CAUSE OF ACTION
Failure to Respond to an 8210 Request
(FINRA Procedural Rule 8210 and Conduct Rule 2010)**

12. The Department realleges and incorporates by reference paragraphs 1-11 above.
13. Pursuant to NASD Rule 8210, on July 7, 2009, FINRA sent a letter to Hulke's office address at Woodbury Financial Services, Inc. requesting information regarding the Form U5 filing announcing Hulke's employment termination. Hulke responded to this Rule 8210 request on July 17, 2009.
14. Enforcement, in furtherance of its investigation, sent Hulke a second letter pursuant to Rule 8210, dated March 23, 2010, to Hulke's current address as reflected on Central Registration Depository ("CRD Address"). The letter was

sent certified mail return receipt requested and first class mail and sought a signed, written statement addressing details of Respondent's employment termination. The due date for Hulke's response was April 6, 2010.

15. The certified letter was returned to Enforcement with the explanation "Return to sender. Unable to forward." The letter sent by first class mail was not returned to Enforcement.
16. Hulke did not respond to Enforcement's March 23, 2010 Rule 8210 request.
17. On April 21, 2010, Enforcement sent a third letter pursuant to Rule 8210 to Hulke at his CRD address and another address researched on LEXIS (the "Alternate Address"). The letters were sent via first class mail and Federal Express and sought the same information previously requested in the March 23, 2010 letter. The due date for Hulke's response was April 30, 2010.
18. The Federal Express letter sent to Respondent's CRD Address was delivered on April 22, 2010 and signed by "M. Sheffler." The first class letter sent to the CRD Address was not returned to Enforcement. The Federal Express letter sent to the Alternate Address was returned to Enforcement undeliverable. The letter sent by first class mail to the Alternate Address was not returned to Enforcement.
19. Hulke did not respond to Enforcement's April 21, 2010 Rule 8210 request.
20. On May 25, 2010, Enforcement staff left a voicemail for Hulke, and on May 26, 2010 left a second voicemail for Hulke concerning the outstanding requests. On May 26, 2010, Hulke returned the phone call and left a voice message stating that he received staff's voicemail, would be in an appointment in the afternoon but would "touch base" a little later. Hulke further indicated in his voicemail that he

did not have any records other than what has been provided to FINRA, but that he would be happy to give any additional information that may be required. Hulke did not make any further attempts to contact Enforcement staff after his voicemail.

21. On May 28 and June 3, 2010, the staff left two more voicemails requesting that Hulke call back regarding the open matter. Hulke did not respond to these voicemails and has not provided any response to the Rule 8210 requests issued by Enforcement.
22. On January 4, 2011, Enforcement staff sent letters pursuant to Rule 8210 to Hulke by first-class mail and by certified mail, return-receipt requested, to Respondent's CRD Address and Alternate Address, requesting that Respondent appear for testimony on January 18, 2011, pursuant to FINRA Rule 8210.
23. Both the certified and the first class letter sent to the CRD Address were returned by the U.S. Postal Service on approximately January 13, 2011 with a label that read "forward time exp, return to sender" and included a forwarding address. The forwarding address was the Alternate Address to which Enforcement had sent its April 21, 2010 and January 4, 2011 Rule 8210 requests.
24. The certified and first class letter sent to the Alternate Address were not returned to Enforcement. The return-receipt had a signature that read "Jane Grafstrom."
25. Hulke did not appear for his scheduled testimony on January 18, 2011 and did not contact staff for an adjournment.
26. By virtue of the above, Respondent failed to provide information and/or testimony and thus failed to observe high standards of commercial honor and just and

equitable principles of trade. Accordingly, Respondent violated FINRA Rules 8210 and 2010.

PRAYER FOR RELIEF

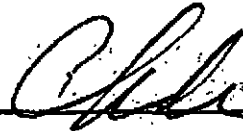
WHEREFORE, the Department respectfully requests that the Panel:

- A. order that one or more of the sanctions provided under FINRA Rule 8310(a), including monetary sanctions, be imposed; and
- B. order that Respondent bear such costs of proceeding as are deemed fair and appropriate under the circumstances in accordance with FINRA Rule 8330.

FINRA DEPARTMENT OF ENFORCEMENT

Date:

3/23/2011



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